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addressed to Assistant Commissioner of Patents, Washington DC 20231  
on August 21, 2002  
Wayne L. Jacobs Reg. 35,553 Date 8/21/2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 10/021,665  
Filed: December 7, 2001  
Group Art Unit: 2171  
Examiner:  
Applicant: Bradley J. Dickey, Rodger A. Jones, Chris Lowery  
and Darryl M. Maslar  
Title: PET CARE PRODUCTS AND METHOD OF PROVIDING PET  
CARE PRODUCT SERVICES AND INFORMATION

Cincinnati, Ohio 45202

August 21, 2002

Assistant Commissioner of Patents  
Box DAC  
Washington, D.C. 20231

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OFFICE OF PETITIONS

Sir:

RESPONSE TO DECISION REFUSING STATUS UNDER 37 C.F.R. §1.47(a)

In response to the Decision Refusing Status Under 37 C.F.R. §1.47(a) mailed July 29, 2002 in the above-captioned patent application (copy enclosed), Applicants state that inventor Rodger A. Jones, the inventor whose signature was not obtainable previously, has signed the Declaration, Power of Attorney And Petition as a co-inventor of the above-captioned application. Please find enclosed herewith the executed copy of the Declaration signed by co-inventor Rodger A. Jones. This Declaration was signed by Rodger A. Jones on May 22, 2002, but was received in the office of the undersigned after Applicants had mailed the Petition Under 37 C.F.R. §1.47 on July 8, 2002 and just prior to receiving the Decision Refusing Status Under

37 C.F.R. §1.47(a) on August 1, 2002. Therefore, Applicants believe that with this filing all requirements of the Notice To File Missing Parts dated January 8, 2002 have been satisfied.

Applicants believe that no fee is due in connection with the filing of this Response To Decision Refusing Status Under 37 C.F.R. §1.47(a). However, in the event that any fee is due, please charge deposit account 23-3000.

Respectfully submitted,

WOOD HERRON & EVANS, L.L.P.

By: 

Wayne L. Jacobs  
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**JUL 29 2002**

**OFFICE OF PETITIONS**

**DECISION REFUSING STATUS  
UNDER 37 CFR 1.47(a)**

WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
Cincinnati, OH 45202

In re Application of  
Dickey, et al.  
Application No. 10/021,665  
Filed: December 7, 2001  
Docket No.: HILB / 723C1  
For: PET CARE PRODUCTS AND METHOD  
OF PROVIDING PET CARE PRODUCTS,  
SERVICES AND INFORMATION

This is in response to the petition under 37 CFR 1.47(a), filed  
July 15, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of  
this decision to reply, correcting the below-noted deficiencies.  
Any reply should be entitled "Request for Reconsideration of  
Petition under 37 CFR 1.47(a)," and should only address the  
deficiencies noted below, except that the reply may include an  
oath or declaration executed by the non-signing inventor. Failure  
to respond will result in abandonment of the application. Any  
extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 7, 2001  
without an executed oath or declaration and naming Bradley J.  
Dickey, Rodger A. Jones, Chris Lowery, and Darryl M. Maslar as  
joint inventors. Accordingly, on January 8, 2002, a "Notice to  
File Missing Parts of Nonprovisional Application" was mailed,  
requiring an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that  
the non-signing inventor cannot be reached or refuses to sign the  
oath or declaration after having been presented with the  
application papers (specification, claims and drawings); (2) an  
acceptable oath or declaration in compliance with 35 USC 115 and  
116; (3) the petition fee; and (4) a statement of the last known  
address of the non-signing inventor.

The petition lacks requirement (2) stated above. The instant  
petition is not accompanied by an oath or declaration executed by  
the available inventors on behalf of themselves and the non-  
signing inventor. Any renewed petition must be accompanied by an  
oath or declaration in full compliance with 37 CFR 1.63 and/or 37  
CFR 1.64.

Further correspondence with respect to this matter should be  
addressed as follows:

By mail: Commissioner for Patents  
Box DAC

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**AUG 28 2002**

**OFFICE OF PETITIONS**

Application No. 10/021,665

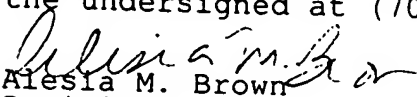
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Washington, DC 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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